

Message Text

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46

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SSO-00 SCS-03 SCA-01 L-03 H-02

/020 W

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O R 071815Z MAY 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 5503

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

LIMITED OFFICIAL USE BRASILIA 4028

E.O. 11652: N/A

TAGS: CASC (DAVIS, JOHN W)

SUBJ: WELFARE OF JOHN W. DAVIS AND FAMILY

REF: (A) BRASILIA 3433 (B) STATE 109609

1. SINCE EMBASSY LAST REPORT (REFTEL A) WE HAVE BEEN IN FREQUENT TOUCH WITH VARIOUS MEMBERS OF DAVIS FAMILY PERSONALLY HERE IN THE EMBASSY OR BY TELEPHONE. JOHN W. DAVIS CALLED EMBASSY ON MAY 4 TO REPORT SHOOTING INCIDENT DESCRIBED IN REFTEL B. EMBASSY POLITICAL COUNSELOR AND POLITICAL ASSISTANT CALLED SHORTLY AFTERWARD ON CHEFE DE CABINET OF MINISTER OF JUSTICE TO FIND OUT WHAT ACTION MINISTRY HAD TAKEN ON EMBASSY NOTE VERBAL OF MARCH 19 AND TO BRING LATEST SHOOTING INCIDENT TO MINISTRY'S ATTENTION.

2. CHEF DE CABINET SAID THAT ACTION HAD BEEN DELAYED BECAUSE ITAMARATY HAD MISROUTED REQUEST BUT THAT MINISTRY HAD FINALLY TRACKED IT DOWN AND HAD NOW SENT LETTERS TO THE GOVERNOR OF THE STATE OF PARA AND TO THE MINISTRY OF AGRICULTURE INFORMING THEM OF DAVIS PROBLEMS AND ASKING THEM TO MAKE A SPECIAL EFFORT TO SOLVE IT. HE ADDED THAT IN LIGHT OF OUR REPORT OF THE SHOOTING INCIDENT OF MAY 1, HE WOULD HAVE SENT IN THE MINISTER'S NAME A SPECIAL TELEX TO THE GOVERNOR REQUESTING HIM TO ACT URGENTLY ON LIMITED OFFICIAL USE

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THE MATTER. CHEF DE CABINET, HOWEVER, WAS PESSIMISTIC

ABOUT SATISFACTORY SOLUTION, NOTING THAT LAND DISPUTES AND CLASHES BETWEEN SQUATTERS AND OWNERS ARE ENDEMIC IN PARA AND AMAZON REGION. HE NOTED THAT LOCAL LAW ENFORCEMENT CAPABILITY IS WEAK IN THOSE REMOTE AREAS, CONTRIBUTING TO WHAT HE CALLED A "WILD WEST ENVIRONMENT." EMBOFF STRESSED THAT DAVIS WAS LITIGATING IN LOCAL COURTS TO REGAIN LANDS FROM SQUATTERS, BUT THAT EMBASSY'S PRINCIPAL CONCERN WAS SAFETY OF DAVIS AND HIS FAMILY. IT WAS AGREED EMBASSY WOULD STAY IN CLOSE TOUCH WITH MINISTRY OF JUSTICE REGARDING RESULTS OF ITS ACTIONS.

3. JOHN DAVIS CALLED POLITICAL COUNSELOR AGAIN ON AFTERNOON OF MAY 5 TO REPORT THAT PARA STATE POLICE HAD VISITED AGUA AZUL BRIEFLY THAT DAY AND HAD TALKED TO HIM AND TO THE SQUATTERS. HE SAID POLICE STATED BLUNTLY THEY WERE UNABLE TO GUARANTEE HIS SECURITY. DAVIS NOTED THAT WHEN BRAZILIAN EMPLOYEES NEARBY HEARD THIS STATEMENT BY POLICE A NUMBER OF THEM DEPARTED IN FEAR. IMMEDIATELY AFTER RECEIVING DAVIS' LATEST REPORT, POLITICAL COUNSELOR CALLED ON DEPUTY CHIEF OF FEDERAL POLICE IN BRASILIA TO UPDATE HIM ON DAVIS CASE AND REQUEST HIS ASSISTANCE. DEPUTY CHIEF AGAIN TOOK POSITION THAT FEDERAL POLICE HAVE NO JURISDICTION AS THERE IS NO QUESTION OF FEDERAL OWNERSHIP IN LANDS IN DISPUTE. HE WAS WELL AWARE OF LATEST IN DAVIS CASE AS DAVIS' SON, MICHAEL BRUCE, HAD BEEN TO SEE HIS SUBORDINATES WITH FULL REPORT DURING PREVIOUS WEEK.

4. HE DESCRIBED LAND SITUATION IN AMAZON REGION AS "CHAOTIC WITH BOTH FEDERAL AND STATE POLICE FORCES LACKING SUFFICIENT RESOURCES TO DEAL WITH SKIRMISHES THAT OCCURRED REPEATEDLY IN REMOTE AREAS." PARA STATE POLICE, HE EXPLAINED, ARE USUALLY WEAK AND ILL-EQUIPPED. HE CONSIDERED DAVIS' PROBLEMS VERY TYPICAL OF CLASHES IN THE AREA BETWEEN PRESUMPTIVE OWNERS AND INTRUDING SQUATTERS. HE RUEFULLY ADMITTED THAT THE LAW OF THE STRONGEST PREVAILS IN MANY CASES AND THAT BRAZILIAN LATIFUNDISTAS USUALLY RESIST SQUATTER ENCROACHMENTS BY FORMING THEIR OWN PRIVATE INTERNAL SECURITY GUARDS. IN VIEW OF ALLEGED LACK OF JURISDICTION, POL COUSELOR REQUESTED DEPUTY CHIEF THAT HE USE HIS PERSONAL CONTACTS AND INFLUENCE WITH PARA STATE POLICE TO ENCOURAGE MORE ACTIVE LIMITED OFFICIAL USE

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INTEREST IN DAVIS PROBLEM.

5. ON MAY 6 CONSUL BELEM DISCUSSED DAVIS CASE AGAIN WITH STATE SECRETARY OF PUBLIC SECURITY OF PARA WHO PROVIDED SOMEWHAT DIFFERENT VERSION OF SHOOTING INCIDENT THAN THAT PROVIDED BY DAVIS (REF B). HE SAID POLICE INVESTIGATION SHOWS THAT ONE SHOT FROM BIRD SHOTGUN WAS FIRED AT DAVIS PARTY AND THAT ALL PELLETS STRUCK BRAZILIAN WORKER

AND NO DAVIS FAMILY MEMBERS WERE WOUNDED. POLICE VISITED FARM AT MINISTRY OF JUSTICE'S BEHEST AND ARRESTED SUSPECT, WHO IS NOW BEING HELD UNDER HIS PERSONAL CUSTODY TO PREVENT PREMATURE RELEASE BY JUDICIAL AUTHORITIES. STATE SECRETARY NOTED THAT POLICE IN PAST HAVE MADE SEVERAL PREVIOUS ARRESTS AT DAVIS PROPERTY BUT THAT JUDGES HAVE RELEASE THEM FOR LACK OF EVIDENCE. HE SAID HE IS DOING ALL HE CAN LEGALLY DO FOR DAVIS BUT THAT HE CANNOT GIVE AN ABSOLUTE SECURITY GUARANTEE SINCE HE LACKS THE TROOPS TO STATION AT THE FARM PERMANENTLY. HE SAW PRINCIPLE PROBLEM FOR POLICE AS THAT OF DETERMINING JUST WHO IS THE INTRUDER AND WHO IS THE VICTIM IN THE INCIDENTS AROUND DAVIS PROPERTY SINCE COURT HASN'T DECIDED IN MANY CASES WHO HAS VALIED TITLE TO THE LAND.

6. DURING PAST TWO YEARS CONSULATE BELEM AND SUBSEQUENTLY EMBASSY HAVE COME CLOSE TO EXHAUSTING ALL POSSIBLE AVENUES OF APPEAL IN BEHALF OF DAVISES. EMBASSY HAS NOW RAISED ISSUE WITH FOREIGN MINISTRY, MINISTRY OF JUSTICE, AND TWICE WITH FEDERAL POLICE. CONSULATE BELEM DURING PAST TWO YEARS HAS RAISED PROBLEM ON SEVERAL OCCASIONS EACH WITH STATE SECRETARY OF SECURITY, WHO IS CHIEF OF PARA STATE POLICE, THE STATE GOVERNOR AND HIS CHEF DE CABINET THE CHIEF OF THE FEDERAL POLICE FOR PARA, THE COMMANDING GENERAL OF THE 8TH MILITARY REGION, THE JUDGE OF THE PARA SUPERIOR COURT, WHO OVERSEES THE TRIBUNAL WHERE DAVIS IS LITIGATING, THE HEAD OF AGRARIAN REFORM (INCRA) FOR THE REGION, AND THE CHIEF OF THE PARA STATE LAND TITLE AGENCY (ITERPA). IN CASE OF ARMY AND FEDERAL POLICE REPLY HAS CONSISTENTLY BEEN LACK OF JURISDICTION. ARMY LEADERS SAY THEY WOULD INTER- VENE IN SUCH A CASE ONLY IF THERE IS TOTAL BREAKDOWN OF LAW AND ORDER AND INTERVENTION ORDERED BY PRESIDENT HIMSELF. (DAVIS HAS WRITTEN TO PRESIDENT REQUESTING SUCH INTERVENTION.) LIMITED OFFICIAL USE

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STATE POLICE HAVE DURING PAST TWO YEARS MADE FREQUENT VISITS OF VARYING DURATION TO AGUA AZUL AREA. BUT THEY ALLEGE LACK OF MEN AND RESOURCES TO PATROL AREA PERMANENTLY, WHICH IS WHAT THEY CLAIM WOULD BE REQUIRED TO STOP ALL INCIDENTS. PREVIOUS STATE POLICE INVESTIGATIONS OF INCIDENTS HAVE BEEN INCONCLUSIVE AS DAVIS FAMILY CLAIMS OF UNPROVOKED ASSAULT HAVE BEEN COUNTERBALANCED BY DENIALS BY MOST BRAZILIAN WITNESSES OR EVEN COUNTERCHARGES OF ASSAULT AGAINST DAVIS, WHICH HAVE BEEN PICKED UP IN LOCAL PRESS. STATE POLICE ALSO SAY THEY CANNOT ACT TO EXPEL SQUATTERS FROM DISPUTED LANDS IN ABSENCE OF COURT ORDER, WHICH DAVIS STILL SEEKING.

7. FOR TIME BEING WE WILL CONTINUE TO FOLLOW UP WITH MINISTRY OF JUSTICE TO PRESS FOR ACTION. EMBASSY HAS RECEIVED REQUEST FOR FULL REPORT ON CASE FROM

CONGRESSMAN OLIN TEAGUE, WHICH WE REPLIED TO ON APRIL 28
WITH COPY TO ARA/LA/BR. THIS PROVIDES FURTHER DETAILS ON
ISSUES IN LAND LITIGATION. WITH REGARD TO PROTECTION OF
DAVIS FAMILY, EMBASSY AND CONSULATE HAVE JUST ABOUT USED
ALL READILY AVAILABLE PRESSURE POINTS IN GOVERNMENT AND
WOULD APPRECIATE ANY SUGGESTIONS DEPARTMENT MIGHT HAVE
AS TO HOW WE MIGHT PROCEED FROM THIS POINT.
JOHNSON

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